

CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance and Litigation

Biweekly Report—Period Ending April 26, 1997

Black Diamond Enterprises, Ltd. v. DOC—GSBCA No. 13586-COM

The GSA Board of Contract Appeals has issued an Order Dismissing With Prejudice this Appeal brought by a PTO contractor which was terminated for default. After discovery was conducted, the Appellant agreed to withdraw its Appeal so long as the Government would sign a stipulation and settlement agreement which set forth the reasons for the Appellant's non-performance under the contract. The parties also agreed that these reasons did not excuse the non-performance and the termination for default record would remain. Lisa J. Obayashi had the case.

Gem Engineering Co. v. DOC—GSBCA No. 13566-COM

We participated in a status conference with the Judge at which various discovery issues and ADR were discussed. The parties are not as far along with discovery as hoped and the ADR scheduled for Washington D.C. for June 3rd through 5th has been postponed until the end of that month. We are presently planning on taking our sole remaining pre-ADR discovery deposition on May 8th & 9th in Birmingham. Catherine Shea and Mark Langstein have the case.

Franchise Funds/Activities

The General Counsel of GSA has informed us that GSA's OGC office has not issued any legal opinions regarding the authority of CASU's to contract with state and local governments for common administrative support services. GSA OGC also opined that CASU's have no independent authority to enter into such contracts and that their authority is dependent on the authority of its member agencies. Our draft opinion has been amended accordingly to reflect written confirmation of the GSA OGC position. CASC remains anxious to receive a legal opinion before June 30. Terry H. Lee has the matter.

BPR Acquisition Process/CONOPS—Census Pilot Projects

Fred Kopatich has been working with the project team for the Data Access and Dissemination System (DADS) procurement to produce a contract for signature by the parties. We expect that the contract will be finalized this week.

2000 Advertising Procurement

We assisted the program and procurement teams in briefing the Deputy Director of the Census Bureau concerning the status of the procurement. We are continuing our review of the solicitation, and it may be released within the next two weeks. Fred Kopatich is advising.

N. Florida Shipyards Inc.—GSBCA No. 14030-COM

We are scheduled to meet next week in Norfolk, Va. with the contracting officer, COTR, and the head of the program office at the Atlantic Marine Center, to respond to interrogatories and document requests. The Appellant has requested the deposition of the manufacturer of the "Government Furnished Property," and we have tentatively agreed to hold it on May 20th at the manufacturer's headquarters in New Bedford, Mass. (Ken Lechter and Catherine Shea)

Data Capture System Center Procurement

Work has commenced on this major Census procurement for a Contractor to locate and acquire up to four Data Capture Centers and to manage the process of scanning the 2000 Census questionnaires. We have provided comments on a draft Statement of Work which will be released for public comment. Fred Kopatich is on the team.

CASC Keeps ASOS Operational

CASC COs are working diligently to keep ASOS operational at six sites run by NANTOM Services, Inc. NANTOM recently filed bankruptcy in the midst of heightened concerns about its failure to pay many of its employees in accordance with the Service Contract Act. Cecilia Jones has been advising CASC on getting back up contracts in place where necessary and assisting them in working with our Commercial Litigation Division on the bankruptcy matters.

Actions Completed/Received during Period

	From 4/13/97	To 4/26/97	
	Received		Completed
CENSUS	1		1
ITA	0		0
NOAA	8		7
PTO	1		1
Total	10		9

Contract Law Division—Client Workload Period Ending 04/26/97

